IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 23RD JULY 2007 / 1ST SRAVANA 1929

WP(C).No. 32384 of 2005(E)

MC.20/2004 of FAMILY COURT,KOLLAM
.....

PETITIONER:

THANKAMANI AMMA, D/O. NARAYANA PILLAI,
RAJI BHAVANAM, NALLILA P.O., KOLLAM DISTRICT.

BY ADV. SRI.B.MOHANLAL
SMT.MEREENA JOSEPH
SMT.M.M.POORNIMA

RESPONDENT:

NARAYANA PILLAI,
NARAYANA VILASOM, NALLILA P.O., KOLLAM DISTRICT.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 23/07/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1 : TRUE COPY OF THE IA NO.607/05 DT.27.09.05 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, KOLLAM.

EXT.P2 : TRUE COPY OF THE IA NO.608/05 DT.27.09.05 FILED BY THE PETITIONER BEFORE THE FAMILY COURT, KOLLAM.

PIUS C. KURIAKOSE, J.

W.P.(C) No. 32384 OF 2005

Dated this the 23rd day of July, 2007

JUDGMENT

The grievance of the petitioner is that even though Exts.P1 and P2 applications filed by her seeking to set aside the ex-parte order passed by the Family Court and for condoning delay caused in the matter are pending before the Family Court, the Family Court has now ordered warrant for arrest of the petitioner on the basis of an execution petition filed by the respondent who is the father of the petitioner. This Court while admitting the Writ Petition granted stay of execution of the maintenance order on condition that the petitioner deposits in the court below a sum of Rs.1,500/- within two months from 21.11.05. Even though the respondent has been served with notice of this Writ Petition, he has not chosen to enter appearance before this Court to resist the prayers in the Writ Petition. Learned counsel for the petitioner submits that the condition imposed by this Court dt.21.11.05 has been faithfully complied with. According to the learned counsel, Exts.P1and P2 are even now pending before the Family Court.

Under these circumstances, I am inclined to order absolute stay of execution of the ex-parte order of maintenance, on condition that the petitioner deposits a further amount of Rs.4,500/- before the court below

for payment to the respondent within another two months from today. Once the court below finds that the petitioner has complied the condition imposed by this Court on 21.11.05 and the condition being imposed under the present order, the court below will keep the proceedings of execution filed by the respondent in abeyance till such time as final orders are passed on Exts.P1 and P2. Exts.P1 and P2 will be taken up and disposed of by the court below, once it is seen that the petitioner has complied with the condition imposed by this Court.

PIUS C. KURIAKOSE, JUDGE

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